

Appl. No. 09/766,566
Amdt. dated August 11, 2003
Reply to Office Action of March 26, 2003

Remarks

In reply to the Office Action dated March 26, 2003, applicants respectfully request reconsideration and allowance of the above-identified patent application in light of the following remarks.

Summary of Examiner's Action

Claims 1-18 and 42-50 are pending in this application.

Claims 1-3, 7-12, 42-44, and 48-50 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hendricks et al. U.S. Patent No. 5,659,350 (hereinafter "Hendricks").

Claims 4-6, 13-15, and 45-47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks.

Applicants' Reply to the Rejection Under 35 U.S.C. § 102(e)

Claims 1-3, 7-12, 42-44, and 48-50 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hendricks. The Examiner's rejection is respectfully traversed.

Claims 1, 4-6, 10, 13-15, 42, and 45-47 have been amended to more particularly define the invention. No new

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subject matter has been added and the amendments are fully supported and justified by the specification (e.g., see page 11, lines 15-31 of the specification).

Applicants' invention, as defined by independent claims 1, 10, and 42, is directed towards a system, method, and machine readable medium for error-checking program data when constructing program schedules using a program schedule grid. Program schedules are constructed at television system computers by personnel placing program data accessed from a database into cells of the program schedule grid. As the program schedules are being constructed they are error-checked in real-time at at least one of the television system computers. For example, as someone is placing a program listing into a particular cell (representing a time-slot for a channel) of the program schedule grid, applicants' claimed invention may perform an error-check to make sure that placing the program listing into that cell is appropriate. If, for example, the placement of the program listing is not appropriate, an error message may be displayed and the action may not be allowed to complete.

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Hendricks refers to an "Operations Center that allows for the organizing and packaging of television programs for transmission in a television system" (column 3, lines 7-9). The Operations Center includes a computer assisted packaging (CAP) system.

A first feature of the CAP system is that it allows a programmer to package programs into a program schedule. The programmer packages the programs "by entering certain information into the CAP. This information includes the date, time slot, and program category of the various programs" (column 7, lines 44-46). This is in stark contrast to the construction of program schedules using the system of applicants' invention in which personnel place program data into cells of a program schedule grid. For example, using applicants' invention personnel may select a cell of the program schedule grid by clicking on the cell using a mouse or other suitable pointing device. The personnel may add program data to the selected cell by clicking on a desired title in a list of programs and then clicking on an add cell option. Likewise, the personnel may also erase program data from the selected cell by clicking on an erase cell option.

Accordingly, applicants respectfully submit that the first feature of the CAP system of Hendricks fails to show or suggest constructing program schedules using a program schedule grid by personnel placing program data into cells of the program schedule grid as specified in claims 1, 10, and 42.

A second feature of the CAP system of Hendricks is that it allows a programmer to format graphical menu displays that the subscribers can view. The CAP system may display draft menus to the programmer, who may then edit the menus. The Examiner contends that the menus of Hendricks are analogous to the program schedules of applicants' invention.

Applicants respectfully submit that the menus of Hendricks are not analogous to the program schedules of applicants' invention. The menus of Hendricks may display a listing of programs, however, the format of the menus is unrelated to the underlying program schedules. Rather, the menus of Hendricks are formatted in order to optimize the marketing of the programs to subscribers. See column 7, lines 28-31. "[A]n algorithm accounting for either a manually assigned program importance or a calculated weight of the

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program importance is used to determine each programs position within the menu scheme" (column 31, line 65-column 32, line 2).

Additionally, the program schedules of applicants' invention are constructed by personnel placing program data from a database into cells of a program schedule grid. Assuming the menus of Hendricks were analogous to the program schedules of applicants' invention, and applicants submit that they are not, Hendricks fails to show or suggest using a program schedule grid to construct the menus. While Hendricks states that a "packager can . . . place program names and descriptions onto menus" (column 15, lines 13-16), Hendricks fails to show or suggest any feature similar to placing program data from a database into cells of a program schedule grid.

Furthermore, Hendricks fails to show or suggest error-checking the menus in real-time as they are being constructed. The Examiner cited Hendricks as including editing of the menus "on-the-fly," however, applicants respectfully submit that editing the menus while viewing them is not equivalent to error-checking the menus in real-time during their construction.

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The Examiner contends that the editing of the menus in Hendricks includes checking for conflicts using software. Applicants respectfully submit that the portion of Hendricks to which the Examiner refers describes conflict checking (steps 473 and 474 of Fig. 9) during "event creation," which is part of the CAP system that allows a programmer to package programs into a program schedule. See Fig. 9, element 464. The conflict checking is not related to the part of the CAP system that allows a programmer to format graphical menu displays, the "menu creation." See Fig. 9, element 468.

Accordingly, applicants respectfully submit that applicants' claims 1, 10, and 42 are allowable over Hendricks. Claims 2, 3, 7-9, 11, 12, 16-18, 43, 44, and 48-50, depend variously from claims 1, 10, and 42, and are allowable because claims 1, 10, and 42 are allowable. Applicants respectfully request that the rejection of claims 1-3, 7-12, 16-18, 42-44, and 48-50 be withdrawn.

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Applicants' Reply to the Rejections Under 35 U.S.C. § 103(a)

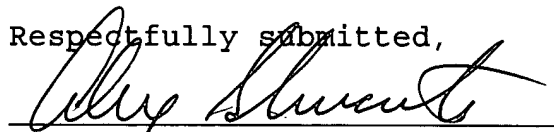
Claims 4-6, 13-15, and 45-47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hendricks. The Examiner's rejections are respectfully traversed.

Claims 4-6, 13-15, and 45-47 depend variously from independent claims 1, 10, and 42, and are allowable because independent claims 1, 10, and 42 are allowable. Applicants respectfully request that the rejection of claims 4-6, 13-15, and 45-47 be withdrawn.

Conclusion

For at least the reasons set forth above, applicants respectfully submit that this application is in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,



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